

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 SCOTT J. HARRIS
Deputy Attorney General
4 State Bar No. 238437
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2554
6 Facsimile: (213) 897-2804
Attorneys for Complainant
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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2010-44

11 **LAURA ANNE RAMOS, AKA**
12 **LAURA ANNE CAVALLARO**
13 **408 West Riggin Street**
14 **Monterey Park, CA 91754**

ACCUSATION

15 **Registered Nurse License No. 521221**

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Interim Executive Officer of the Board of Registered Nursing (Board),
22 Department of Consumer Affairs.

23 2. On or about April 17, 1996, the Board issued Registered Nurse License Number
24 521221 to Laura Anne Ramos, also known as Laura Anne Cavallaro (Respondent). The
25 Registered Nurse License was in full force and effect at all times relevant to the charges brought
26 herein and will expire on October 31, 2011, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Section 2770.11 states:

"(a) Each registered nurse who requests participation in a diversion program shall agree to cooperate with the rehabilitation program designed by a committee. Any failure to comply with the provisions of a rehabilitation program may result in termination of the registered nurse's participation in a program. The name and license number of a registered nurse who is terminated for any reason, other than successful completion, shall be reported to the board's enforcement program."

"(b) If a committee determines that a registered nurse, who is denied admission into the program or terminated from the program, presents a threat to the public or his or her own health and safety, the committee shall report the name and license number, along with a copy of all diversion records for that registered nurse, to the board's enforcement program. The board may use any of the records it receives under this subdivision in any disciplinary proceeding."

7. Section 820 of the Code states:

"Whenever it appears that any person holding a license, certificate or permit under this division or under any initiative act referred to in this division may be unable to practice his or her profession safely because the licensee's ability to practice is impaired due to mental illness, or physical illness affecting competency, the licensing agency may order the licensee to be examined by one or more physicians and surgeons or psychologists designated by the agency."

1 The report of the examiners shall be made available to the licentiate and
2 may be received as direct evidence in proceedings conducted pursuant to Section
3 822."

4 8. Code section 822 states:

5 "If a licensing agency determines that its licentiate's ability to practice his
6 or her profession safely is impaired because the licentiate is mentally ill, or physically
7 ill affecting competency, the licensing agency may take action by any one of the
8 following methods:

9 (a) Revoking the licentiate's certificate or license.

10 (b) Suspending the licentiate's right to practice.

11 (c) Placing the licentiate on probation.

12 (d) Taking such other action in relation to the licentiate as the licensing
13 agency in its discretion deems proper. The licensing agency shall not reinstate a
14 revoked or suspended certificate or license until it has received competent evidence of
15 the absence or control of the condition which caused its action and until it is satisfied
16 that with due regard for the public health and safety the person's right to practice his
17 or her profession may be safely reinstated."

18 9. Code section 824 states that "the licensing agency may proceed against a licentiate
19 under either Section 820, or 822, or under both sections."

20 10. Code section 826 states:

21 "The proceedings under Sections 821 and 822 shall be conducted in
22 accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3
23 of Title 2 of the Government Code, and the licensing agency and the licentiate shall
24 have all the rights and powers granted therein."

25 11. Code section 827 states:

26 "Notwithstanding the provisions of Article 9 (commencing with Section
27 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code,
28 relating to public meetings, the licensing agency may convene in closed session to
consider any evidence relating to the licentiate's mental or physical illness obtained
pursuant to the proceedings under Section 820. The licensing agency shall only
convene in closed session to the extent that it is necessary to protect the privacy of a
licentiate."

12. Code section 828 states:

"If the licensing agency determines, pursuant to proceedings conducted
under Section 820, that there is insufficient evidence to bring an action against the
licentiate pursuant to Section 822, then all licensing agency records of the
proceedings, including the order for the examination, investigative reports, if any, and
the report of the physicians and surgeons or psychologists, shall be kept confidential
and are not subject to discovery or subpoena. If no further proceedings are conducted
to determine the licentiates fitness to practice during a period of five years from the

1 date of the determination by the licensing agency of the proceeding pursuant to
2 Section 820, then the licensing agency shall purge and destroy all records pertaining
3 to the proceedings. If new proceedings are instituted during the five-year period
4 against the licentiate by the licensing agency, the records, including the report of the
5 physicians and surgeons or psychologists, may be used in the proceedings and shall
6 be available to the respondent pursuant to the provisions of Section 11507.6 of the
7 Government Code.”

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9 13. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
10 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
11 disciplinary action during the period within which the license may be renewed, restored, reissued
12 or reinstated.

13 14. Section 125.3 provides, in pertinent part, that the Board may request the
14 administrative law judge to direct a licentiate found to have committed a violation or violations of
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
16 enforcement of the case.

17 BACKGROUND

18 15. On or about August 20, 2009, the Board issued an Order compelling Respondent to
19 undergo a mental health examination pursuant to Code section 820 following her December 12,
20 2008 termination from the Board's Maximus Diversion Program (hereinafter, "diversion") as a
21 public safety risk. On or about June 9, 2008, Respondent self reported to diversion with alcohol
22 dependence, drug use and bi-polar disorder.

23 16. On or about October 13, 2009, Respondent underwent an addiction
24 medicine/psychiatric examination with Dr. R.S.S.,¹ during which time the Respondent and Dr.
25 R.S.S. discussed Respondent's self reporting to diversion, her alcohol and drug use, and her
26 mental diagnosis.

27 17. On or about October 14, 2009, Dr. R.S.S. issued a written report to the Board, in
28 which he found that Respondent suffers from bi-polar disorder. Dr. R.S.S. found that in order for
Respondent to return to work safely she would have to be subject to the following conditions:

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¹ Clinician names are omitted for purposes of privacy and will be provided subject to a Request for Discovery.

- a. Ongoing medication management, and periodic re-evaluation by her psychiatrist.
- b. Two (2) year period of observation in the workplace.
- c. Modified Work Schedule.
- d. Less stressful patient load.
- e. Regular progress reports from her treating physician to the Board.

CAUSE FOR CONDITIONAL LICENSURE

(Recommended Conditions of Practice)

18. Respondent's license is subject to revocation, suspension, probation, and/or, other

conditions as deemed necessary by the Board pursuant to Code sections 820 and 822, in that following a Board mandated mental health examination, it was determined that in order for Respondent to safely practice as a Registered Nurse that Respondent needed to be monitored by the Board and subject to conditions, as more fully discussed in paragraph 17, above, which is herein incorporated by reference as set forth in whole.

PRAYER


WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking, suspending, placing on probation, and/or, taking such other action as the Board deems necessary against Registered Nurse License Number 521221, issued to Laura Anne Ramos, also known as Laura Anne Cavallaro;

2. Ordering Laura Anne Ramos, also known as Laura Anne Cavallaro, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: 8/24/10

for 
LOUISE R. BAILEY, M.D., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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